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NOTIFICATION

No. LD (D) 3-4896/57/Law.

Dated, Trivandrum, 10th September 1957.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 8th September 1957.

By order of the Governor,
P. NARAYANASWAMI,
Additional Secretary.

ACT 17 OF 1957

THE KERALA ANATOMY ACT, 1957.

An Act to provide for the supply of unclaimed bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection.

WHEREAS it is expedient to provide for the supply of unclaimed bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection;

Be it enacted in the Eighth Year of the Republic of India as follows: —

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Anatomy Act, 1957.

(2) It extends to the whole of the State of Kerala.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date and in such area as may be specified by the Government by notification in the Gazette.

2. *Definitions.*—In this Act, unless the context otherwise requires: —

(a) "authorized officer" means an officer authorized under section 3;

(b) "hospital" means any hospital established or maintained by the Government, or by any municipal council, or other local authority and includes any other hospital which may be declared by the Government, by notification in the Gazette, to be a hospital for the purposes of this Act;

(c) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid;

Explanation.—The expressions "lineal consanguinity" and "collateral consanguiuity" shall have meanings assigned to them in the Indian Succession Act, 1925, aud degrees of relationship shall be computed in the manner laid down in that Act.

(d) "prescribed" means prescribed by rules made by the Government under this Act;

(e) "teaching medical institution" means any of the institutions specified in the Schedule to this Act and includes any other institution which may be declared by the Government, by notification in the Gazette, to be a teaching medical institution for the purposes of this Act;

(f) "unclaimed body" means the body of a person who dies in a hospital, prison or public place, which has not been claimed by any of his near relatives or by any recognised religious or public institution belonging to the religion of the deceased, within such time as may be prescribed.

3. *Power of Government to authorize officers to act under section 4.*—The Government may, by notification in the Gazette, authorize for the area to which this Act is applied or for any part thereof, one or more officers to whom a report shall be made under section 4 and who shall be competent to act under the said section.

4. *Unclaimed dead bodies in hospitals, prisons and public places how to be dealt with.*—(1) If a person dies in a hospital or in a prison and his body is not claimed by any of his near relatives within such time as may be prescribed, the authority in

charge of such hospital or prison shall, with the least practicable delay, report the fact to the authorized officer, and the said officer shall take possession of the unclaimed body and except in the case referred to in sub-sections (3) and (4), hand it over to the authority in charge of a teaching medical institution, if it is required by that authority, for the purpose of conducting anatomical examination and dissection :

Provided that the authority in charge of such hospital or prison shall while reporting the fact to the authorised officer give intimation to the nearest religious or public institution, if any, belonging to the religion of the deceased and if such institution claims the dead body within the prescribed time it shall be handed over to that institution.

(2) If a person dies in any public place in an area in which he had no permanent place of residence and the body of that person is not claimed by any of his near relatives within such time as may be prescribed, the authorized officer shall take possession of the unclaimed body and except in the case referred to in sub-sections (3) and (4) hand it over to the authority in charge of a teaching medical institution, if it is required by that authority, for the purpose specified in sub-section (1).

(3) Notwithstanding anything contained in sub-sections (1) and (2), the authorized officer shall—

(a) when a near relative of the deceased person is known to be alive and he has failed to claim the body within the prescribed time for reasons beyond his control, or

(b) when the deceased person has prior to his death declared that his body shall not be subject to anatomical examination or dissection or both,

hand over the dead body to such religious or public institution belonging to the religion of the deceased subject to such conditions as may be prescribed.

(4) When there is any doubt regarding the cause of death or when for any reason the authorized officer considers it expedient so to do, he shall forward the unclaimed body to the police officer referred to in section 174 of the Code of Criminal Procedure, 1898.

(5) Where any unclaimed body taken possession of by the authorized officer under this section is not required by the authority in charge of a teaching medical institution for the purpose specified in sub-section (1), it shall be disposed of in such manner as may be prescribed.

5. *Doubt or dispute as to near relative to be referred to Magistrate of the First Class.*—(1) If any doubt or dispute arises whether a person is or is not a near relative of the deceased for the purposes of section 4, the matter shall be referred to a Magistrate of the First Class, and the decision of such Magistrate shall be final and conclusive.

(2) Pending such decision, the body of the deceased person shall be preserved from decay in such manner as may be prescribed.

6. *Penalty.*—Whoever disposes of, or abets the disposal of, an unclaimed body save as provided by this Act, or obstructs any authority in charge of a teaching medical institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose specified in section 4, shall be punishable with fine which may extend to five hundred rupees.

7. *Duty of Police and other officers to assist in obtaining possession of unclaimed bodies.*—All officers and servants of the Police, Medical and Public Health Departments, all officers and servants in the service of a local authority, and all village officers and servants shall be bound to take all reasonable measures to assist authorised officers in the discharge of their duties under this Act.

8. *Protection of persons acting under this Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

9. *Officers to be public servants.*—All officers appointed or authorised to act under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

10. *Power to make rules.*—(1) The Government, may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide—

(*a*) the period within which a near relative may claim the body of a deceased person ;

(*b*) the procedure for the disposal of an unclaimed body under section 4 ;

(*c*) the conditions under which institutions may be recognised for purposes of section 4 (3) ;

(*d*) the manner in which the body may be preserved from decay ;

(*e*) the procedure for proceedings under section 5 (1) ;

(*f*) matters which are to be and may be prescribed.

SCHEDULE

[*See* Section 2 (e)]

1. The Medical College, Trivandrum.
2. The Medical College, Kozhikode.
3. The Ayurveda College, Trivandrum.

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